

## **REMARKS**

The Applicant has filed the present Response in reply to the outstanding Official Action of December 9, 2003, and the Applicant believes the Response to be fully responsive to the Official Action for reasons set forth below in greater detail.

At the onset, Applicant would like to thank the Examiner for allowing Claims 2-35, 37-54, 59-61 and 64. Further, Applicant appreciates that the Examiner has indicated that Claims 62-63 contain allowable subject matter and would be allowed if rewritten to include all of the limitations of base claim and all intervening claims, respectively. Accordingly Applicant has amended Claim 62 herewith as suggested by the Examiner to include all of the limitations of the base claim. Claim 63 has been cancelled herewith.

The Examiner has rejected Claims 55-58 under 35 U.S.C. §103(a). Specifically, Claims 55-56 are rejected as being unpatentable over Keskitalo et al., U.S. Patent No. 6,091,788 (hereinafter "Keskitalo").

The Examiner asserts that Keskitalo discloses a plurality of receivers for providing means for detecting and searching useful signal components and determined the parameters and a controller for controlling receivers based on the detected result. The Examiner states that Keskitalo does not expressly show the step of detecting whether there is a speech signal or not based on the data, however such a step would be obvious in view of the entire disclosure. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to implement the teaching of Keskitalo to provide the step of detecting whether there is a speech signal or not based on the decoded data. Keskitalo, appears to disclose a control means capable of allocating the required number of receiver units based on the received signal parameters.

Applicant respectfully disagrees with the Examiner's rejection of Claim 55 in view of the above amendment to the claim. Applicant traverses the rejection with at least the following analysis.

Applicant has amended Claim 55, incorporating the limitation of Claim 56. Accordingly, Claim 56 has been cancelled herewith. Amended Claim 55 recites a method of receiving data by inversely diffusing data received by an antenna and a radio unit with a plurality of receivers of a receiving circuit in association with respective multiple paths, synthesizing inversely diffused data, decoding synthesized data, and outputting decoded data, comprising, inter alia, controlling a number of receivers to operate, among said plurality of receivers, based on a detected result of whether there is a speech signal or not, wherein all of the receivers are operated if a speech signal is detected.

Applicant submits that Keskitalo fails to disclose operating **all** the receivers if a speech signal is detected.

Keskitalo solely discloses that the **required** number of receiver units is allocated based upon the received useful signal components and signal parameters. There is no teaching that all of the receivers are operating if a speech signal is detected. The "required number of receiver units" disclosed by Keskitalo does not read on or teach "all of the receivers" as recited in amended Claim 55.

Accordingly, since Keskitalo fails to teach or suggest all of the claim limitations of amended Claim 55, Applicant submits that amended Claim 55 is patentably distinct from the cited reference.

Further, the Examiner has rejected Claims 57-58 as being unpatentable over Keskitalo in view of Antonio et al. U.S Patent No. 5,621,742 (hereinafter "Antonio"). The Examiner

contends that Antonio discloses the step of operating, at all times, one of the plurality of receivers which has the highest correlated value. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to combine Keskitalo and Antonio to provide this step within a spread spectrum communication system.

Applicant respectfully disagrees with the Examiner's contention regarding Claim 57 and traverses the rejection with at least the following analysis. Antonio does not teach operating, at all times, one of the plurality of receivers, which has the highest correlated value.

Antonio discloses that the signal strength is monitored in each channel unit by the controller. "One or more search receivers is utilized to identify the strongest signal received from the mobile subscriber unit associated with that channel." See Col 7, lines 11-14. The controller then determines which beam signals are to be provided to each correlation receiver based upon the search result provided to the controller. "In the preferred embodiment, J sets of one or more beam signals are selected by the switch matrix for processing by a set of J correlation receivers." See Col 7, line 18-22.

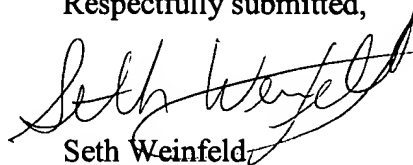
While Antonio does teach that the signals which are sent for processing to each correlation receiver is determined by the signal strength, the reference however fails to disclose that the receiver with the highest correlated value is operated at all times. Accordingly, Applicant submits that Claim 57 is patentably distinct from the cited references because the hypothetical Keskitalo and Antonio combination fails to teach or suggest all of the claim limitations.

Applicant would like to note that Claim 58 has been cancelled herewith.

Lastly, the Examiner objected to Claim 44 because the claim contained a spelling error. Claim 44 has been amended herewith to obviate the objection.

In conclusion, the Applicant believes that all of the claims in the above-identified application are in condition for allowance and henceforth respectfully solicits the allowance of the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Seth Weinfeld", written over a horizontal line.

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